

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Mleczkowski	Team: Team # 3	CCRB Case #: 201306569	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/19/2013 8:30 PM	Location of Incident: 1332 Forest Avenue and at the 121st Precinct stationhouse	Precinct: 121	18 Mo. SOL 1/19/2015	EO SOL 1/19/2015	
Date/Time CV Reported Mon, 07/22/2013 12:48 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/22/2013 12:48 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Ustick	05406	948517	121 PCT
2. SGT Dmitry Brushnivsky	01417	936251	121 PCT
3. POF Celine Diaz	09228	928191	121 PCT
4. An officer			121 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brian Mullarkey	03595	949376	121 PCT
2. POM Efrain Hernandez	04437	949099	121 PCT
3. CPT Kenneth Noonan	00000	924257	121 PCT
4. POM Brian Romero	01482	935642	121 PCT
5. POM Andrew Lassen	03267	950728	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Dmitry Brushnivsky	Discourtesy: At 1332 Forest Avenue in Staten Island, Sgt. Dmitry Brushnivsky spoke rudely to § 87(2)(b) and § 87(2)(b)	
B.POM Michael Ustick	Discourtesy: At 1332 Forest Avenue in Staten Island, PO Michael Ustick spoke rudely to § 87(2)(b) and § 87(2)(b)	
C.POM Michael Ustick	Abuse: At the 121st Precinct stationhouse, PO Michael Ustick did not obtain medical treatment for § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
D.SGT Dmitry Brushnivsky	Abuse: At the 121st Precinct stationhouse, Sgt. Dmitry Brushnivsky refused to provide his shield number to § 87(2)(b)	
E.POM Michael Ustick	Abuse: At the 121st Precinct stationhouse, PO Michael Ustick refused to provide his name to § 87(2)(b) and § 87(2)(b)	
F.SGT Dmitry Brushnivsky	Discourtesy: At the 121st Precinct stationhouse, Sgt. Dmitry Brushnivsky spoke rudely to § 87(2)(b) and § 87(2)(b)	
G.SGT Dmitry Brushnivsky	Abuse: At the 121st Precinct stationhouse, Sgt. Dmitry Brushnivsky threatened to arrest § 87(2)(b)	
H.POM Michael Ustick	Discourtesy: At the 121st Precinct stationhouse, PO Michael Ustick spoke rudely to § 87(2)(b)	
I. An officer	Discourtesy: At the 121st Precinct stationhouse, an officer spoke rudely to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

## Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on July 22, 2013.

At approximately 8:30 p.m. on July 19, 2013, § 87(2)(b) towed § 87(2)(b)'s vehicle at 1332 Forest Avenue in Staten Island. Multiple officers responded to this location in order to address the issue and § 87(2)(b) was subsequently arrested and brought to the 121<sup>st</sup> Precinct stationhouse. The following allegations resulted:

- **Allegation A- Discourtesy: At 1332 Forest Avenue in Staten Island, Sgt. Dmitry Brushnikov spoke rudely to § 87(2)(b) and § 87(2)(b)**
- **Allegation B- Discourtesy: At 1332 Forest Avenue in Staten Island, PO Michael Ustick spoke rudely to § 87(2)(b) and § 87(2)(b)**  
§ 87(2)(g)
- **Allegation C- Abuse of Authority: At the 121<sup>st</sup> Precinct stationhouse, PO Michael Ustick did not obtain medical treatment for § 87(2)(b)**
- **Allegation D- Abuse of Authority: At the 121<sup>st</sup> Precinct stationhouse, Sgt. Dmitry Brushnikov refused to provide his shield number to § 87(2)(b)**
- **Allegation E- Abuse of Authority: At the 121<sup>st</sup> Precinct stationhouse, PO Michael Ustick refused to provide his name to § 87(2)(b) and § 87(2)(b)**  
§ 87(2)(g)
- **Allegation F- Discourtesy: At the 121<sup>st</sup> Precinct stationhouse, Sgt. Dmitry Brushnikov spoke rudely to § 87(2)(b) and § 87(2)(b)**
- **Allegation G- Abuse of Authority: At the 121<sup>st</sup> Precinct stationhouse, Sgt. Dmitry Brushnikov threatened to arrest § 87(2)(b)**
- **Allegation H- Discourtesy: At the 121<sup>st</sup> Precinct stationhouse, PO Michael Ustick spoke rudely to § 87(2)(b)**  
§ 87(2)(g)
- **Allegation I- Discourtesy: At the 121<sup>st</sup> Precinct stationhouse, an officer spoke rudely to § 87(2)(b)**  
§ 87(2)(g)
- § 87(4-b), § 87(2)(g)

## Results of Investigation

### Civilian Statements

#### Complainant/Victim: § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)

#### CCRB Testimony:

§ 87(2)(b) provided a telephone statement on July 23, 2013 (encl. E1) and was interviewed at the CCRB on July 25, 2013 (encl. E2-E14). § 87(2)(g)

On July 19, 2013 at 8:24 p.m. § 87(2)(b) was with his co-worker, § 87(2)(b) when he towed a vehicle, identified during the investigation as belonging to § 87(2)(b) in the vicinity of the commercial parking lot of 1332 Forest Avenue in Staten Island. § 87(2)(b) and § 87(2)(b) observed this, and § 87(2)(b) made a telephone call. Approximately 10-15 minutes later a RMP from the 121<sup>st</sup> Precinct arrived at the scene.

Two officers, identified via investigation as Sgt. Dmitry Brushnivsky and PO Michael Ustick of the 121<sup>st</sup> Precinct, then exited the vehicle. § 87(2)(b) described Sgt. Brushnivsky as a white man, 5'10" tall, bald-headed, with a slim build, in his 30s and uniformed. § 87(2)(b) described PO Ustick as a white man, 5'7"-5'9" tall, with brown hair in a Mohawk style, a chunky build, in his late 20s and uniformed. Sgt. Brushnivsky and PO Ustick spoke to the women privately, ushering them behind a Halal food stand.

§ 87(2)(b) then tried to show Sgt. Brushnivsky documentation regarding the tow on his cellular phone and Sgt. Brushnivsky responded "I don't need to see no fucking paperwork, I know the laws. I don't need to speak to your property manager. You're either going to drop the car or you're going to jail." § 87(2)(b) was then handcuffed by Sgt. Brushnivsky and placed inside of the RMP. About 40 minutes later, an additional RMP arrived from which an officer, identified via investigation as PO Brian Mullarkey of the 121<sup>st</sup> Precinct, exited. § 87(2)(b) described PO Mullarkey as a white man with a slim build, dark hair, approximately 160 lbs., in his 20s and uniformed.

PO Ustick brought § 87(2)(b) to the 121<sup>st</sup> Precinct stationhouse where his arrest was processed and he was placed in a holding cell, in which he was the sole civilian. While being held, § 87(2)(b) asked PO Ustick to bring him to the hospital and he responded "Not right now, we're dealing with this and you have to wait." § 87(2)(b) observed through a glass pane § 87(2)(b) the property manager for § 87(2)(b), § 87(2)(b) the owner of § 87(2)(b), § 87(2)(b) and her friends § 87(2)(b) and § 87(2)(b) speaking to a captain, identified via investigation as Captain Kenneth Noonan of the 121<sup>st</sup> Precinct.

After § 87(2)(b) was fingerprinted and photographed an officer, identified via investigation as PO Efrain Hernandez of the 121<sup>st</sup> Precinct, returned § 87(2)(b) to his holding cell. § 87(2)(b) described PO Hernandez as a Hispanic man, 5'10"-5'11" tall, with an average build, dark hair, in his 20s and uniformed. He informed PO Hernandez that he had asked PO Ustick for medical attention and he was denied treatment. PO Ustick then released § 87(2)(b) from the holding cell, brought him to the front desk and issued him five summonses.

#### Victim: § 87(2)(b)

- § 87(2)(b)

- § 87(2)(b)

### **CCRB Testimony:**

§ 87(2)(b) was interviewed at the CCRB on July 25, 2013 (encl. F1-F5) § 87(2)(b)

At 1332 Forest Avenue both Sgt. Brushnivsky and PO Ustick told § 87(2)(b) “I don’t give a shit about the paperwork.”

Afterwards, at the 121<sup>st</sup> Precinct and near the front desk, § 87(2)(b) requested Sgt. Brushnivsky’s shield number and in response he pointed towards his shield and said “If you want it, it’s right here.” He did not verbally provide § 87(2)(b) with this information. § 87(2)(b) and § 87(2)(b) then requested PO Ustick’s name and PO Ustick did not in any form provide them with that information. PO Ustick then told § 87(2)(b) “I’ll see you around.” Sgt. Brushnivsky, an unidentified male officer described as a Hispanic man, 5’8” tall, with dark hair, in his 40s, with a chunky build and uniformed, § 87(2)(b) and § 87(2)(b) were within that vicinity when this occurred.

### **Victim:** § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)

### **CCRB Testimony:**

§ 87(2)(b) was interviewed at the CCRB on July 25, 2013 (encl. G1-G6). § 87(2)(b) was solely present at the 121<sup>st</sup> Precinct and asked Sgt. Brushnivsky why § 87(2)(b) was arrested, offering to show him his company’s towing contract near the front desk of the precinct. Sgt. Brushnivsky responded “I don’t have to fucking answer that. I’m the law; I don’t have to look at the fucking contract.” § 87(2)(b) informed Sgt. Brushnivsky that he was going to file a complaint against him and Sgt. Brushnivsky responded “You do whatever you gotta fucking do.” § 87(2)(b) then stood aside, dialed 911 and filed a complaint against Sgt. Brushnivsky.

§ 87(2)(b) then requested from Sgt. Brushnivsky PO Ustick’s name and shield number and Sgt. Brushnivsky offered his own identifying information instead, adding “So you’re either going to do things I fucking tell you or you’re going to go back to your fucking business or I’m going to arrest you.” § 87(2)(b) and § 87(2)(b) were within that vicinity at the time of this allegation.

### **Victim:** § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)

### **CCRB Testimony:**

§ 87(2)(b) was interviewed at the CCRB on August 12, 2013 (encl. H1-H6) and a follow up telephone call was placed to her on March 7, 2014 for additional details regarding the incident. § 87(2)(g)

§ 87(2)(b) arrived at 1332 Forest Avenue after § 87(2)(b) was arrested and later arrived at the 121<sup>st</sup> Precinct. When § 87(2)(b) requested to speak to a captain, PO Ustick, Sgt. Brushnivsky, and an unidentified officer described as a Hispanic man, heavyset, 36-37 years old, with a medium skin tone, bald and with black eyebrows told her “This is a bullshit case.” § 87(2)(b) was within the vicinity of § 87(2)(b) at the time of this allegation.

**Witness:** § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b) is the owner of the vehicle that § 87(2)(b) attempted to tow at the time of the incident.

**CCRB Testimony:**

The undersigned investigator obtained a telephone statement from § 87(2)(b) on August 12, 2013 (encl. I1). She stated that she was solely present at 1332 Forest Avenue in Staten Island, where § 87(2)(b) attempted to tow her vehicle. § 87(2)(b) indicated that § 87(2)(b) did not comply with the officer’s directives to release her vehicle from the towing lift and as such, he was placed under arrest. Additionally, § 87(2)(b) did not hear any officers use any profanity towards § 87(2)(b) or his coworkers during this incident.

**Witness:** § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b) is an acquaintance of § 87(2)(b)

**CCRB Testimony:**

The undersigned investigator obtained a telephone statement from § 87(2)(b) on September 23, 2013 (encl. I2). He stated that he was solely present at 1332 Forest Avenue in Staten Island, where § 87(2)(b) was arrested for refusing to release § 87(2)(b)’s vehicle that he was in the process of towing. He did not raise any FADO allegations during his telephone statement.

**Attempts to Contact Civilians**

The undersigned investigator left a voice message for § 87(2)(b) on September 23, 2013 and mailed her a please call letter on the same date. As of the date of this report, § 87(2)(b) has not attempted to contact the CCRB.

§ 87(2)(b) informed the undersigned investigator that § 87(2)(b) did not wish to participate in the investigation. § 87(2)(b) indicated that she forwarded the undersigned investigator’s contact information to § 87(2)(b) who has not attempted to contact the CCRB as of the date of this report. The undersigned investigator was not provided with the last names or contact information for these individuals.

**NYPD Statements:**

**Subject Officer: SGT DMITRY BRUSHNIVSKY**

- Sgt. Brushnivsky is a white man who was § 87(2)(b) old at the time of the incident. He is 5’10” tall, weighs 165 pounds, with black hair and blue eyes.
- Sgt. Brushnivsky was assigned as the patrol supervisor, from 2:50 p.m. to 11:47 p.m. on July 19, 2013, in uniform and did not have a partner.

**Memo Book:**

Sgt. Brushnivsky's memo book entry was consistent with his statement to the CCRB, which is summarized below (encl. J1-J4):

**CCRB Testimony:**

Sgt. Brushnivsky was interviewed at the CCRB on September 17, 2013 (encl. J5-J7) and provided the following testimony:

On July 19, 2013 at 8:30 p.m., Sgt. Brushnivsky was waved down by § 87(2)(b) who stated that she had a dispute with § 87(2)(b). Sgt. Brushnivsky ushered § 87(2)(b) approximately thirty feet away from § 87(2)(b). Sgt. Brushnivsky reviewed § 87(2)(b)'s towing authorization forms and informed him that he did not have authorization to tow § 87(2)(b)'s vehicle. Sgt. Brushnivsky informed § 87(2)(b) that if he did not release § 87(2)(b)'s vehicle he would be arrested and he refused to do so. Sgt. Brushnivsky then placed § 87(2)(b) under arrest and § 87(2)(b) was subsequently taken to the 121st Precinct stationhouse.

Sgt. Brushnivsky did not recall if he used profanity towards § 87(2)(b) at 1332 Forest Avenue. He did not state to § 87(2)(b) "I don't need to see no fucking paperwork, I know the laws." or "I don't give a shit about the paperwork." He did not hear PO Ustick state to § 87(2)(b) "I don't give a shit about the paperwork" or use any profanity during this incident.

While at the stationhouse, possibly two or three people and possibly § 87(2)(b) requested Sgt. Brushnivsky's name and shield number while standing three feet away from him, near the front desk and he verbally provided this information to them.

Sgt. Brushnivsky indicated that § 87(2)(b) may have been present at the stationhouse, informing him that he exercised control over the parking lot from which the vehicle was towed. Sgt. Brushnivsky did not threaten to arrest, use any profanity towards § 87(2)(b) or state to him "I don't have to fucking answer that. I'm the law, I don't have to look at the fucking contract" or "You're either going to do things I fucking tell you or you're going to go back to your fucking business or I'm going to arrest you."

Sgt. Brushnivsky does not know if he saw § 87(2)(b) inside of the stationhouse. He did not hear § 87(2)(b) request medical attention from PO Ustick or have any conversation with him. Sgt. Brushnivsky did not recall using profanity towards § 87(2)(b) or § 87(2)(b) during this incident. He did not hear PO Ustick use any profanity towards any civilians during this incident. § 87(2)(b)'s arrest was voided, per the directives of Captain Noonan. § 87(2)(b) was subsequently issued six summonses and an LD6, or a towing fine.

**Subject Officer: PO MICHAEL USTICK**

- *PO Ustick is a white man who was § 87(2)(b) old at the time of the incident. He is 5'10" tall, weighs 220 pounds, with brown hair and hazel eyes.*
- *PO Ustick worked the same tour and assignment as Sgt. Brushnivsky.*

**Memo Book:**

PO Ustick's memo book entry related to this incident was consistent with that of Sgt. Brushnivsky (encl. L1-L3).

**Summonses:**

On July 19, 2013 at 8:50 p.m., PO Michael Ustick issued summons numbers § 87(2)(b) and § 87(2)(b) to § 87(2)(b) for blocking a fire hydrant in front of 1332 Forest Avenue. On July 20, 2013 at 12:44 a.m., PO Michael Ustick issued summons number § 87(2)(b) for exceeding the authorized towing rate limit and summons number § 87(2)(b) for having no

model number on his towing authorization sheet to § 87(2)(b) in front of 1332 Forest Avenue (encl. L4-L12).

**CCRB Testimony:**

PO Ustick was interviewed at the CCRB on September 19, 2013 (encl. L13-L15) § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

At 1332 Forest Avenue § 87(2)(b) addressed PO Ustick and Sgt. Brushnivsky in a very angry and arrogant tone. While at the aforementioned location, PO Ustick did not hear Sgt. Brushnivsky use any profanity towards § 87(2)(b) during their conversation. He did not hear him state to § 87(2)(b) "I don't need to see no fucking paperwork, I know the laws." or "I don't give a shit about the paperwork." PO Ustick did not state to § 87(2)(b) "I don't give a shit about the paperwork." Approximately five or ten minutes later they returned to the 121<sup>st</sup> Precinct stationhouse where PO Ustick processed § 87(2)(b)'s arrest.

While at the stationhouse, § 87(2)(b) and § 87(2)(b) stood near the telephone switchboard operator's desk. PO Ustick did not hear § 87(2)(b) or § 87(2)(b) have any conversation with any of the officers while inside of the precinct.

While PO Ustick was near § 87(2)(b)'s holding cell, § 87(2)(b) requested to go to the hospital. PO Ustick told him "Alright, you're leaving. Do you still want to go to the hospital?" and § 87(2)(b) replied "No, I'm good."

PO Ustick could not see or hear if § 87(2)(b) or § 87(2)(b) had any conversation with Sgt. Brushnivsky or requested his shield number at the stationhouse. PO Ustick did not hear Sgt. Brushnivsky state to any of the aforementioned individuals "I don't have to fucking answer that. I'm the law, I don't have to look at the fucking contract" or "You're either going to do things I fucking tell you or you're going to go back to your fucking business or I'm going to arrest you."

**Witness Officer: PO EFRAIN HERNANDEZ**

- *PO Hernandez is a Hispanic man who was § 87(2)(b) old at the time of the incident. He is 5'11" tall, weighs 200 pounds, with black hair and brown eyes.*
- *PO Hernandez was assigned as the cell attendant, from 11:15 p.m. on July 19, 2013 to 7:50 a.m. on July 20, 2013, in uniform and did not have a partner.*

**Memo Book:**

Due to the administrative nature of his assignment, PO Hernandez is not required to maintain a memo book (encl. K1-K3).

**CCRB Testimony:**

PO Hernandez was interviewed at the CCRB on September 17, 2013 (encl. K4-K5) and provided the following testimony:

PO Hernandez was not present at 1332 Forest Avenue. PO Hernandez remembered interacting with § 87(2)(b) and stated that while in the vicinity of the holding cells, PO Hernandez did not hear § 87(2)(b) request medical attention from PO Ustick.

**Witness Officer: PO ANDREW LASSEN**

- *PO Lassen is a white man who was § 87(2)(b) old at the time of the incident. He is 5'6" tall, weighs 165 pounds, with brown hair and hazel eyes.*



- *PO Lassen was assigned as the Telephone Switchboard Operator, from 3 p.m. to 11:35 p.m. on July 19, 2013, in uniform and did not have a partner.*

#### **Memo Book:**

Due to the administrative nature of his assignment, PO Lassen is not required to maintain a memo book (encl.O1-O2).

#### **CCRB Testimony:**

PO Lassen was interviewed at the CCRB on March 3, 2014. PO Lassen provided the following testimony (encl. O3-O4):

On July 19, 2013, § 87(2)(b) and § 87(2)(b) came into the 121<sup>st</sup> Precinct stationhouse, immediately approached PO Lassen's desk and he tried to calm them down because they were upset. PO Lassen did not state to § 87(2)(b) "This is a bullshit case" and did not hear any other officers state such.

The civilians spoke with PO Ustick and Sgt. Brushnivsky. The conversation between Sgt. Brushnivsky and § 87(2)(b) was hostile because their voices were raised. He heard curses between § 87(2)(b) and Sgt. Brushnivsky, however he could not distinguish the specific phrases of such. § 87(2)(b) was also involved in this conversation; however PO Lassen could not hear what § 87(2)(b) stated during such. PO Lassen did not hear § 87(2)(b) request from Sgt. Brushnivsky PO Ustick's name and shield number. PO Lassen did not hear Sgt. Brushnivsky use any profanity towards any civilians or threaten to arrest § 87(2)(b).

PO Lassen did not hear § 87(2)(b) request Sgt. Brushnivsky's name or shield number, however he heard Sgt. Brushnivsky state to § 87(2)(b) "If you want it, it's right here." PO Lassen could not recall if Sgt. Brushnivsky verbally provided his name to § 87(2)(b).

PO Lassen saw § 87(2)(b) and § 87(2)(b) speaking with PO Ustick five to ten feet away from his desk, however he did not hear them request PO Ustick's name or identifying information.

#### **Additional Officers Interviewed:**

- The following three officers were also interviewed by the CCRB on October 2, 2013, December 13, 2013 and March 6, 2014, respectively: PO Brian Mullarkey (encl. M1-M8), PO Celine Diaz (encl. N1-N5) and PO Brian Romero (encl. P1-P4):
  - PO Mullarkey is a white man who was § 87(2)(b) old at the time of the incident. He is 6'3" tall, weighs 160 pounds, with brown hair and hazel eyes. PO Mullarkey was assigned to patrol Sector A, from 3 p.m. to 11:35 p.m., in uniform and partnered with PO Diaz. He did not hear Sgt. Brushnivsky or PO Ustick use any profanity towards any civilians at 1332 Forest Avenue. While at the 121<sup>st</sup> Precinct, PO Mullarkey remained near the front desk and did not hear § 87(2)(b) request medical treatment from PO Ustick. He did not see PO Ustick or Sgt. Brushnivsky have any interaction with § 87(2)(b) or § 87(2)(b) inside of the stationhouse.
  - PO Diaz is a Hispanic woman who was § 87(2)(b) old at the time of the incident. She is 5'1" tall, weighs 140 pounds, with brown hair and brown eyes. PO Diaz worked the same tour and assignment as PO Mullarkey. PO Diaz was present at 1332 Forest Avenue and could not hear any conversation between Sgt. Brushnivsky, PO Ustick and any civilians.
  - PO Romero is a Hispanic man who was § 87(2)(b) old at the time of the incident. He is 5'11" tall, weighs 220 pounds, with brown hair and brown eyes. PO Romero was assigned as the Telephone Switchboard Operator, from 4p.m. to 12 a.m. on July 19,



### **Subject Officers' CCRB History**

- Sgt. Dmitry Brushnikovsky has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. B1).
- PO Michael Ustick has been a member of service for four years and there are no substantiated CCRB allegations against him (encl. B2).
- PO Celine Diaz has been a member of service for twelve years and there are no substantiated allegations against her (encl. B3).

### **Conclusion**

### **Identification of Subject Officers**

Sgt. Brushnikovsky and PO Ustick admitted to interacting with § 87(2)(b) on the date of the incident.

### **Investigative Findings and Recommendations**

#### **Allegation A- Discourtesy: At 1332 Forest Avenue in Staten Island, Sgt. Dmitry**

**Brushnikovsky spoke rudely to § 87(2)(b) and § 87(2)(b)**

#### **Allegation B- Discourtesy: At 1332 Forest Avenue in Staten Island, PO Michael Ustick**

**spoke rudely to § 87(2)(b) and § 87(2)(b)**

§ 87(2)(b) stated that while § 87(2)(b) tried to show Sgt. Brushnikovsky the paperwork in regards to the towed vehicle, Sgt. Brushnikovsky told him "I don't need to see no fucking paperwork, I know the laws." § 87(2)(b) additionally alleged that Sgt. Brushnikovsky told § 87(2)(b) "I don't give a shit about the paperwork." § 87(2)(b) stated that while he tried to show the towing paperwork to PO Ustick, PO Ustick responded "I don't give a shit about the paperwork." § 87(2)(b) and § 87(2)(b) were not present for this portion of the incident.

Sgt. Brushnikovsky denied making the aforementioned remarks and stated that he did not use any profanity towards § 87(2)(b) and § 87(2)(b). PO Ustick, PO Diaz and PO Mullarkey did not hear Sgt. Brushnikovsky or PO Ustick state the aforementioned remarks or use any profanity towards § 87(2)(b). PO Hernandez, PO Lassen and PO Romero were not present for this portion of the incident. PO Ustick stated that he did not make the aforementioned statement to § 87(2)(b) and § 87(2)(b). Sgt. Brushnikovsky stated that he did not hear PO Ustick make the aforementioned statement or use any profanity towards § 87(2)(b) and § 87(2)(b).

§ 87(2)(g)

#### **Allegation C- Abuse of Authority: At the 121<sup>st</sup> Precinct stationhouse, PO Michael Ustick did not obtain medical treatment for § 87(2)(b)**

#### **Allegation D- Abuse of Authority: At the 121<sup>st</sup> Precinct stationhouse, Sgt. Dmitry**

**Brushnikovsky refused to provide his shield number to § 87(2)(b)**

#### **Allegation E- Abuse of Authority: At the 121<sup>st</sup> Precinct stationhouse, PO Michael Ustick**

**refused to provide his name to § 87(2)(b) and § 87(2)(b)**

§ 87(2)(b) stated that when he requested to be brought to the hospital by PO Ustick, he responded "Not right now, we're dealing with this and you have to wait." § 87(2)(b) stated that he requested Sgt. Brushnikovsky's shield number and in response, Sgt. Brushnikovsky pointed towards his shield and said "If you want it, it's right here." § 87(2)(b) stated that he and § 87(2)(b) requested PO Ustick's name and PO Ustick did not verbally provide them with that information. § 87(2)(b) and § 87(2)(b) did not raise these allegations.

PO Ustick stated that when § 87(2)(b) requested to go to the hospital, PO Ustick responded “Alright, you’re leaving. Do you still want to go to the hospital?” and § 87(2)(b) replied “No, I’m good.” PO Ustick stated that he released § 87(2)(b) a few minutes later. PO Ustick stated that § 87(2)(b) and § 87(2)(b) did not state anything to him while inside of the stationhouse. Sgt. Brushnivsky did not hear § 87(2)(b) have any conversation with PO Ustick while inside of the stationhouse. Sgt. Brushnivsky stated that he verbally provided his name and shield number to two or three civilians upon their request, one of which was possibly § 87(2)(b). PO Mullarkey did not hear § 87(2)(b) request medical attention from PO Ustick while inside of the holding cell, § 87(2)(b) request PO Ustick’s shield number and did not see PO Ustick have any interaction with § 87(2)(b) and § 87(2)(b). PO Hernandez was within the vicinity of the holding cells, did not hear § 87(2)(b) request medical attention while inside of the holding cell and instead stated that § 87(2)(b) complained to him about his arrest. PO Lassen heard Sgt. Brushnivsky state “If you want it, it’s right here” while speaking with § 87(2)(b) and § 87(2)(b) however he did not hear any civilians request Sgt. Brushnivsky’s identifying information or hear him verbally state such. PO Lassen and PO Romero’s desks were not within the vicinity of the holding cell. PO Diaz was unsure if she was present at the stationhouse and PO Romero did not recall this incident.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation F- Discourtesy: At the 121<sup>st</sup> Precinct stationhouse, Sgt. Dmitry Brushnivsky spoke rudely to § 87(2)(b) and § 87(2)(b)**

**Allegation G- Abuse of Authority: At the 121<sup>st</sup> Precinct stationhouse, Sgt. Dmitry Brushnivsky threatened to arrest § 87(2)(b)**

**Allegation H- Discourtesy: At the 121<sup>st</sup> Precinct stationhouse, PO Michael Ustick spoke rudely to § 87(2)(b)**

§ 87(2)(b) alleged that Sgt. Brushnivsky and PO Ustick stated to her “This is a bullshit case” when she requested to speak to a captain. § 87(2)(b) alleged that when he asked Sgt. Brushnivsky why § 87(2)(b) was arrested and offered to show him the towing contract, Sgt. Brushnivsky responded “I don’t have to fucking answer that. I’m the law, I don’t have to look at the fucking contract.” § 87(2)(b) stated that when he told Sgt. Brushnivsky that he was going to file a complaint against him, Sgt. Brushnivsky responded “You do whatever you gotta fucking do.” § 87(2)(b) additionally alleged that when he requested from Sgt. Brushnivsky PO Ustick’s name and shield number, Sgt. Brushnivsky told him “So you’re either going to do things I fucking tell you or you’re going to go back to your fucking business or I’m going to arrest you.”

Sgt. Brushnivsky did not recall using any profanity towards § 87(2)(b) or § 87(2)(b) and stated that he did not threaten to arrest § 87(2)(b). PO Ustick stated that he did not hear Sgt. Brushnivsky have any conversation with § 87(2)(b). PO Ustick stated that the sole conversation that he had with § 87(2)(b) was when he returned her tow truck keys to her and asked her to sign a document in regards to her vehicle. PO Hernandez was not within the vicinity of the front desk during this portion of the incident. PO Lassen did not hear Sgt. Brushnivsky make the aforementioned statements. PO Romero did not recall this incident. PO Diaz was unsure if she was present at the stationhouse during that conversation.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation I- Discourtesy: At the 121<sup>st</sup> Precinct stationhouse, an officer spoke rudely to**

§ 87(2)(b)

§ 87(2)(b) alleged that when she requested to speak to a captain, an officer near the front desk whom she described as a Hispanic man, heavysset, 36-37 years old, with a medium skin tone, bald and with black eyebrows told her “This is a bullshit case.” This allegation was not raised by

§ 87(2)(b) or § 87(2)(b)

Sgt. Brushnivsky denied stating this to § 87(2)(b) and he and PO Mullarkey did not hear any officers state such to § 87(2)(b). PO Ustick did not hear any conversation between § 87(2)(b) and any additional officers while inside of the precinct. PO Hernandez was not within the vicinity of the front desk and PO Diaz was unsure if she was present at the stationhouse for this portion of the incident. PO Lassen stated that he did not make the aforementioned statement and noted that he did not hear any additional officers state such. PO Romero did not recall this incident.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date